

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

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July 29, 2021

Via ECF (under seal) and electronic mail

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) concerning a sealed filing made by Saudi Arabia today. Today’s filing is a reply in support of Saudi Arabia’s July 23, 2021 letter-motion, ECF No. 6981, requesting that the Court enforce the MDL Protective Order, ECF No. 1900. For the reasons stated in Saudi Arabia’s letter filed on July 23, 2021, ECF No. 6980, Saudi Arabia respectfully requests that the reply be maintained under seal in its entirety until further order of the Court.

In addition, footnote three of Saudi Arabia’s reply, and the accompanying text, discuss a previous sealed filing by the Federal Bureau of Investigation (“FBI”) that was designated as confidential under the FBI Protective Order, ECF No. 4225. Saudi Arabia does not believe that its discussion of this previous sealed filing requires any redaction under the FBI Protective Order. Nevertheless, in an abundance of caution, we are filing the reply under seal and circulating it only to parties entitled to see sealed material under the FBI Protective Order, to give the FBI a chance to review.

Saudi Arabia is making today’s filing under seal using the Court’s sealed ECF procedures. Copies of today’s filing are being sent today by email to Your Honor’s chambers and to counsel for the Plaintiffs’ Executive Committees (“Plaintiffs”), Dallah Avco, and the FBI. Copies of this letter only are being sent by email to all counsel who attended the depositions of Musaed Al Jarrah, Omar Al Bayoumi, or Fahad Al Thumairy. No courtesy copies of this letter or of today’s sealed filing are being sent to the chambers of Judge Daniels, as instructed by the temporary revisions to his Individual Practices in light of the ongoing public health crisis.

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Once the FBI has provided its views on which (if any) redactions are required to the reply, Saudi Arabia will circulate the reply with any required redactions to all counsel who attended the depositions of Musaed Al Jarrah, Omar Al Bayoumi, or Fahad Al Thumairy.

Respectfully submitted,

/s/ Michael K. Kellogg

Michael K. Kellogg

Counsel for the Kingdom of Saudi Arabia

cc: Counsel for Plaintiffs, Dallah Avco, and the FBI
All counsel who attended the depositions of Musaed Al Jarrah, Omar Al Bayoumi, or Fahad Al Thumairy